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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SATOSHI SAKAI, et al.

Serial No: 09/888,996

Filed: June 22, 2001

For: A BUSINESS PROCEDURE AND  
BUSINESS  
OPERATION/MANAGEMENT  
APPARATUS

Art Unit: 3625

Examiner: James H. Zurita

REQUEST FOR REFUNDMail Stop 16  
Director of the U.S. Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Upon review of the Monthly Statement of Deposit Account dated 3-31-05 (copy enclosed herewith), an error was found. In particular, on January 28, 2005, Applicant filed a response via facsimile with a request to charge Deposit Account 11-1445 in the amount of \$510.00 for a three-month extension of time. A copy of the amendment of January 28, 2005 is enclosed herewith for your information. Instead of charging \$510.00, the Patent Office erroneously charged \$765.00 (fee code 2253). Accordingly, Applicant respectfully requests a refund in the amount of \$255.00 as a credit to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA &amp; ANDROLIA

By: H. Henry Koda  
Reg. No. 27,7292029 Century Park East  
Suite 1140  
Los Angeles, CA 90067-2983  
Tel: (310) 277-1391  
Fax: (310) 277-4118

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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8600 on February 6, 2006.

H. Henry Koda

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KODA &amp; ANDROLIA

Account No.	111445
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Page	1

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PAGE 2/12 \* RCVD AT 2/6/2006 4:34:55 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/37 \* DNIS:2736500 \* CSID:3102774118 \* DURATION (mm:ss):02:52:90

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In re application of:

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APPARATUS

Art Unit: 3625

Examiner: James H. Zurita

AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop: Amendment

Dear Sir:

In response to the Office Action dated July 28, 2004, please amend the above-identified application as follows:

IN THE CLAIMS:

Claim 1 (currently amended): A method of purchasing ~~merchandise~~ a gift for a recipient, from a plurality of dealers on the same Internet site, comprising:

a step of accepting through Internet for one of said plurality of dealers an order either for a simple purchase and delivery of merchandise, for the of the type selected from the group consisting of a purchase of merchandise as a gift not accompanied by an option to select, or for and a purchase of and delivery of merchandise as a gift accompanied by an option to select;

a step of crediting a nomination fee to an account of said one of said plurality of dealers, said nomination fee comprising a portion of a purchase price of said gift ordered;

a step of making an unconditional delivery upon acceptance of an order either for the simple purchase and delivery of merchandise or for the purchase and delivery of merchandise as a of said gift not accompanied by an option to select, in which the necessary arrangements are made for the unconditional delivery of the merchandise gift, as designated by the orderer, without granting the recipient an option to select and crediting said account of said one of said plurality of dealers with the remainder of said purchase price;

a step of granting through Internet the recipient an option to select upon acceptance of an order for the purchase and delivery of merchandise as a of said gift accompanied by an option to select, in which the designated recipient is informed of a content of the gift and is granted an option of selecting from a set of choices, including "take" and "credit"; and

a step of responding through Internet to a selection by the recipient, whereby if the recipient selects the "take," the necessary arrangements are made to deliver to the recipient the merchandise designated by the orderer as a gift and crediting said account of said one of said plurality of dealers with a remainder of said purchase price; or if the recipient selects the "credit," a credit is posted to the account of the recipient, in accordance with the purchase price of the merchandise designated by the orderer as a gift less said nomination fee; and

wherein the credit posted to the account of the recipient may be applied to all or part of the amount of [[an]] a future order from any of said plurality of dealers, either of a type selected from the group consisting of for the simple a purchase and delivery of merchandise for,

the recipient and [[or]] for [[the]] a purchase and delivery of merchandise as of a gift for another recipient not accompanied by an option to select and a service fee comprising a portion of said credit to an account of the recipient is deducted if the recipient uses said credit to purchase a gift for another recipient.

Claim 2 (cancelled).

Claim 3 (cancelled).

Claim 4 (cancelled).

Claim 5 (cancelled).

Claim 6 (cancelled).

Claim 7 (cancelled).

Claim 8 (cancelled).

Claim 9 (cancelled).

Claim 10 (cancelled).

Claim 11 (cancelled).

Claim 12 (cancelled).

Claim 13 (cancelled).

Claim 14 (cancelled).

Claim 15 (cancelled).

Claim 16 (cancelled).

Claim 17 (new): The method of purchasing a gift from a recipient according to Claim 1, further comprising the steps of operating, maintaining and managing a system for said method of purchasing a gift for a recipient by a broker wherein said broker receives a brokerage fee from each purchase comprising a portion of said purchase price of each gift.

Claim 18 (new): The method of purchasing a gift for a recipient according to Claim 17 wherein the maximum selling price of merchandise purchased by the recipient for the recipient for a gift for another recipient purchased by the recipient from said credit posted to the recipient's account is calculated from the equation as follows:

$$BC = \frac{CC \cdot \left(1 - \frac{x+y}{100}\right)}{1 - \frac{y}{100}}$$

wherein BC = the maximum selling price of the merchandise or gift, CC = the credit posted to the recipient's account, x = the nomination fee and y = the brokerage fee.

Claim 19 (new): The method of purchasing a gift for a recipient according to Claim 18 wherein if the selling price of the gift for the recipient (PR) is less than or equal to the maximum selling price of the merchandise of the gift (BC), the service fee is calculated from the equation as follows:

$$Sch = \frac{PR \cdot \frac{x}{100}}{1 - \frac{x+y}{100}}$$

wherein Sch = the service fee.

Claim 20 (new): The method of purchasing a gift for a recipient according to Claim 18 wherein if the maximum selling price (BC) is less than the selling price of the gift for the recipient (PR) which is in turn less than the credit to the recipient (C), the service fee (Sch) is calculated from the equation as follows:

$$Sch = \frac{PR \cdot \frac{x}{100}}{1 - \left( \frac{x}{100} \cdot \frac{CC - PR}{CC - BC} + \frac{y}{100} \right)}$$

Claim 21 (new): The method of purchasing a gift for a recipient according to Claim 18 wherein if the credit to the recipient's account (CC) is equal to or less than the selling price of the gift for the recipient (PR), then the service fee is calculated from the equation as follows:

$$Sch = \frac{CC \cdot \frac{x}{100}}{1 - \frac{y}{100}}$$

**IN THE SPECIFICATION:**

Page 16, first full paragraph is amended as follows:

If the accepted response is the "credit" at step 206, the credit process is implemented whereby the amount of Cyber Credit equal to the selling price of the gift merchandise is calculated at step 210. In the settlement process 2 that follows, the calculated amount of Cyber Credit is saved or entered in the recipient's individual account or ledger. Other ledger entries as required for the confirmed "credit" are also made at this time. An explanation of "ledger" is again omitted here. Reference may be made to a detailed explanation given later using examples thereof in an application of the business operation/management apparatus. The same is applicable to an explanation of the contents and modes of the individual account for Cyber Credit.

Page 16, second full paragraph is amended as follows:

If, on the other hand, the accepted order is for the ordinary purchase of merchandise at step 201, the information on the orderer, delivery destination, merchandise to be purchased and the like is identified at step 212. Examples of the "information on the orderer" include the orderer's name, address, contract address/telephone number and e-mail address. As for the "information on the delivery destination," if the destination of merchandise delivery differs from the address of the purchaser or orderer, the address of the destination is additionally specified. Examples of the "information on the merchandise to be purchased" include the product name, product number and quantity (number of pieces) of merchandise to be purchased. When all information is identified, settlement process 3 is implemented next at step 213 and delivery is arranged at step 214. The settlement as processed here is for the payment of the purchase amount primarily relative to an order for a gift by a purchaser. As is the case with an order for a gift, the amount may be settled through actual payment (including payment by a credit card, for instance) or by Cyber Credit. Ledger entries and the like are also made relative to settlement at this time. An explanation of the contents and methods of ledger entries is omitted here. Reference may be made to a detailed explanation given later using examples of various ledgers in an application of the business operation/management apparatus.

Page 25, the second full paragraph is rewritten as follows:

Fig. 10 is a flowchart showing a summary of the gift-request process at step ~~[[902]]~~ 903. As the chart shows, the gift-request process includes the gift-request acceptance process at step 1001 for the sender, the gift e-mail creation process at step 1002 to provide the recipient with a description of the gift order, and the gift e-mail transmission process at step 1003 to transmit the same to the recipient. In the gift-request acceptance process at step 1001, a web page as shown in Fig. 19 is displayed. This web page shows a plurality of dealers (virtual outlet stores). The sender would select a desired dealer on the web page. Next, the merchandise carried by each dealer is presented. Fig. 20 shows an example of the web page to be displayed at the sender's end. As illustrated, this example displays the product name, product number, selling price and image-data information for each item. All such information relative to the merchandise carried is stored in the memory of business operation/management apparatus 1 as merchandise data files, as shown in Fig. 27. Fig. 28 (b) shows the contents (an example) of a merchandise data file. As illustrated, this file stores the dealer, product name, product category, product number, selling price and applicable image-data information for each item. The data configuration allows web display by merchandise category, selling price and others, in addition to display by the dealer.



IN THE DRAWINGS:

Attached hereto are replacement sheets for figures 5, 11, and 29.

REMARKS

Applicant has amended the Claim 1, cancelled the Claims 2-16 without prejudice, added new claims 17-21, amended the specification, and amended the drawings. Applicant respectfully submits that these amendments to the claims, specification, and drawings are supported by the Application as originally filed and do not contain any new matter. Therefore, the Office Action will be discussed in terms of the claims, specification, and drawings as amended.

The Examiner has objected to the drawings. Applicant has amended the specification and also submits new substitute or replacement Figures 5, 11, and 29. Accordingly, Applicant respectfully requests that the Examiner withdraw his objection to the drawings.

The Examiner has objected to the Claims for certain informalities. In view of the amendments to Claim 1 and the additional Claims 17-21, Applicant respectfully submits that these Claims 1 and 17-21 do not contain any informalities and respectfully requests that the Examiner withdraw his objection.

The Examiner has rejected the Claims 1-16 under 35 U.S.C. 101 as being directed to non-statutory subject matter. In view of the amendments to the claims, Applicant respectfully submits that the Claims 1 and 17-21 are statutory subject matter and comply with the requirements of 35 U.S.C. 101.

The Examiner has rejected the claims as being obvious over the article by Kris Hudson to "FrogMagic Leaps Onto Internet".

In reply thereto, Applicant has carefully reviewed the rejection together with the article by Kris Hudson, and respectfully submits that the article by Kris Hudson does not describe or show the method now claimed by Applicant's claims. In particular, Applicant respectfully submits that the article does not show that you can purchase a gift for a recipient from a plurality of dealers on the same website, pay a nomination fee to the dealer selected to order the gift from, pay the dealer selected the remainder purchase price if there is no option to select, pay the dealer the remainder of the purchase price if there is an option to select and the recipient still selects to take the gift order, credit the amount of the purchase price less the nomination fee to the recipient's account if the recipient selects a credit and deduct a service fee from the amount from the credit in the recipient's account if the recipient decides to utilize the credit to purchase a gift for another recipient. In addition, Applicant respectfully submits that the FrogMagic article by Kris Hudson

does not disclose the broker and the brokerage fee and the various calculation methods for calculating the service fee set forth in the new claims 17-21.

In view of the above, therefore, Applicant respectfully submits that the Claims 1 and 17-21 are not obvious over the article by Kris Hudson.

The Examiner has further rejected the Claims 2, 5, 7, 8, and 10 under 35 U.S.C. 103 as being unpatentable over the article by Kris Hudson in view of the tips for returning gifts.

In reply thereto, Applicant would like to incorporate by reference his comments above concerning Applicant's invention and the article by Kris Hudson. In addition, Applicant has carefully reviewed the article entitled "Tips for Returning Gifts" and respectfully submits that it too does not disclose the features of Applicant's invention missing from the Kris Hudson article described above. In particular, Applicant respectfully submits that the article entitled "Tips for Returning Gifts" does not disclose all of the fees, credits, and options set forth in Applicant's Claim 1, the broker and the brokerage fee of Claim 17, and the particular calculations set forth in the Claims 18-21.

In view of the above, therefore, Applicant respectfully submits that the combination of the article by Kris Hudson and the article entitled "Tips for Returning Gifts" is not Applicant's invention as claimed by the Claims 1 and 17-21 and that the Claims 1 and 17-21 are not obvious thereover.

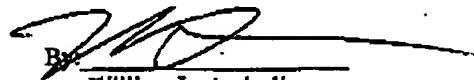
In addition to the above, therefore, Applicant respectfully and retroactively requests a three-month extension of time to respond to the Office Action and respectfully requests that the three-month extension fee of \$510.00 be charged to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

In view of the above, therefore, it is respectfully submitted that this Amendment be entered, favorably considered, and the case passed to issue.

Please charge any additional costs incurred by in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

By   
William L. Androlia  
Reg. No. 27,177

2029 Century Park East  
Suite 1140  
Los Angeles, CA 90067-2983  
Tel: (310) 277-1391  
Fax: (310) 277-4118

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1/28/2005

Date



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Art Unit: 3625

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AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop: Amendment

Dear Sir:

In response to the Office Action dated July 28, 2004, please amend the above-identified application as follows:

03/03/2005 LLITTLE 00000007 111445 09888996  
01 FC:2253 765.00 DA

Adjustment date: 02/23/2006 SFELEKE1  
03/03/2005 LLITTLE 00000007 111445 09888996  
01 FC:2253 765.00 CR

02/23/2006 SFELEKE1 00000002 111445 09888996  
01 FC:2253 510.00 DA

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